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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,687	06/26/2003	Cristian Constantinof	7000-237A	6283
27820 7590 09/09/2008 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518				
EXAMINER				
NGUYEN, QUYNH H				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
09/09/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/606,687

**Applicant(s)**

CONSTANTINOF, CRISTIAN

**Examiner**

QUYNH H. NGUYEN

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 6/3/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Response to Arguments***

2. Applicant's arguments filed 6/3/08 have been fully considered but they are not persuasive.

Applicant mainly argues that Lindgren does not teach "determining select call set up requests from the call setup requests, the select call setup requests being received from users who are authorized to initiate a call for emergency services." Examiner respectfully disagrees. The claims do not define who or what authorized users are, and how to determine users are authorized to make a call. Lindgren teaches users are allowed to initiate emergency calls. Hence, the users are "authorized to initiate a call for emergency services".

And Applicant also mainly argues that Lindgren does not teach "forwarding the select call setup requests toward at least one terminating device associated with the emergency services". Examiner respectfully disagrees. Lindgren teaches this in col. 5, lines 58-64 and col. 6, lines 10-14.

Applicant argues that Lindgren does not teach "one of the call setup requests that are not the select call setup requests are not forwarded toward the at least one terminating device". Examiner respectfully disagrees. Lindgren teaches receiving call

request that are regular calls and 911 or emergency related calls, there are situations in which call request may not be allowed except emergency calls. Therefore, one of the call request is not allowed, and then there is not call to forward to the terminating device.

Applicant argues that Lindgren does not teach emergency information is provided in an emergency header field of the select call setup requests. Examiner respectfully submits that Lindgren teaches creating context request to create a package session with it wherein the context request contain emergency information (col. 2, line 67 through col. 3, line 2).

Applicant argues that Lindgren does not teach selecting call setup requests, much less sending then to the terminating device". "Thus, Lindgren cannot disclose sending selected call setup requests to a proxy of a terminating device." As addressed above, Lindgren teaches selecting call setup requests and sending to a proxy for a terminating device (col. 2, lines 8-23; col. 2, line 66 through col. 4, line 4).

Applicant argues that Lindgren does not teach "select call setup requests are forwarded toward the at least one terminating device over the circuit switched network. " Examiner respectfully submits that Lindgren teaches the emergency service operator is connected to the public telephone network (col. 2, lines 21-23), and Lindgren does not mention about not forwarding toward the at least one terminating device over the circuit switched network, hence select call setup requests are forwarded toward the at least one terminating device over packet / circuit switch network.

***Claim Rejections - 35 USC § 102***

3. Claims 1-5, 10-22, and 27-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindgren et al. (U.S. Patent 6,775,534).

As to claims 1, 18, and 35, Lindgren et al. teaches the steps of:  
receiving call setup requests from at least one originating device (Fig. 1; col. 2, line 31 through col. 4, line 4);

determining select call setup requests for the call setup request (col. 3, lines 6-16; col. 5, lines 12-22), the select call setup requests being received from authorized users to initiate a call for emergency services (Fig. 4; col. 4, lines 18-21).

forwarding the select call setup requests toward at least one terminating device associated with the emergency services (col. 3, lines 51-58; col. 5, lines 58-64),

wherein one of the at least one originating or terminating devices resides on a packet network (Fig. 1; col. 2, lines 10-23).

As to claims 2 and 19, Lindgren et al. teaches ones of the call requests that are not the select call requests are not forwarded toward the at least one terminating device (Fig. 4; col. 4, lines 18-21).

As to claims 3-4 and 20-21, Lindgren et al. teaches creating emergency information for each of the select call setup requests wherein the emergency information is provided in a emergency header field; and inserting the emergency information into the select call setup requests prior to forwarding the select call setup request (col. 3, lines 30-51).

As to claims 5 and 22, Lindgren et al. teach the attach request is transmitted as the mobile identity and there is Ciphering Key Sequence Number (col. 4, lines 29-32).

As to claims 10 and 27, Lindgren et al. teaches sending the select call setup requests to a proxy for the at least one terminating device (col. 2, line 66 through col. 3, line 67).

As to claims 11 and 28, Lindgren et al. teaches the call setup requests are received over the packet network and the select call setup request are forwarded toward the at least one terminating device over the packet network (Fig. 1; col. 2, lines 8-23; col. 3, lines 6-41).

As to claims 12, 15, 29, and 32, Lindgren et al. teaches the call setup requests are received over the packet /circuit switch network and the select call setup request are forwarded toward the at least one terminating device over the circuit switch / packet network (Figs. 1 and 4; col. 5, lines 31-45; col. 6, lines 17-20).

As to claims 13, 16, 30, and 33, Lindgren et al. teaches the call setup requests forwarded toward at least one terminating device over the circuit switched network are initial address messages (Figs. 1 and 4).

As to claims 14, 17, 31, and 34, Lindgren et al. teaches session initiation protocol INVITE messages (col. 3, lines 30-47).

#### ***Claim Rejections - 35 USC § 103***

4. Claims 6, 9, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren in view of Kroll (US 6,370,234).

As to claims 6, 9, 23 and 26, Lindgren does not teach inserting the selected priority levels into corresponding ones of the select call setup requests.

Kroll teaches inserting the selected priority levels into corresponding ones of the select call setup requests (abstract; Fig. 2; col. 2, line 35 through col. 4, line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kroll into the teachings of Lindgren for the purpose of sorting through emergency calls for priority calls, and eliminating the redundant calls so the operators will only deal with the real emergencies and dispatching appropriate rescue personnel to that incident, as discussed by Kroll (col. 1, lines 8-25).

5. Claims 7-8 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren in view of Turner et al. (US 2007/0121590).

As to claims 7-8 and 24-25, Lindgren et al. does not teach sending requests toward terminating device when at least one terminating device and network elements are in an overload conditions.

Turner et al. teaches sending requests toward terminating device when at least one terminating device and network elements are in an overload conditions (paragraph [0063]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Turner into the teachings of

Lindgren for the purpose of developing strategy to circumvent routing restrictions during network overload or failure conditions.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **QUYNH H. NGUYEN** whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/  
Primary Examiner, Art Unit 2614